

- 7 -

Goldberg et al.
Appl. No.: 09/936,608***Remarks***

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing amendment, claims 1, 3-7 and 11-14 are pending in the application, with claim 1 being the sole independent claim. No claims are sought to be cancelled, and no new claims are sought to be added. Claims 1, 3-7 and 11-14 are amended herein. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendments and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Objections to the Drawings

The Examiner approved the drawing corrections and requested formal drawings. Applicants submit formal drawings herewith under separate cover. Therefore, Applicants respectfully request the withdrawal of this objection.

Rejections under 35 U.S.C. § 102

The Examiner rejected claims 1 and 11-13 under 35 U.S.C. § 102(b) as being anticipated by European publication No. EP 734,722 to Yamaguchi et al. In a telephone conversation with the Examiner on May 2, 2003, Applicants' representatives presented

- 8 -

Goldberg et al.
Appl. No.: 09/936,608

to the Examiner the discrete nature of the "dispensing container" as presently claimed. Applicants' representatives identified sachet 14 in FIG. 1 and the sachet 62 in FIGs. 5 and 6 as an example of a "dispensing container" of the present claims.

As Applicants' representatives discussed with the Examiner, a dispensing arrangement is a discrete unit in which a substance is bounded on all sides. The Yamaguchi et al. reference, however, discloses a patch in which the substance exists in a layer 4 which is not bounded in a container, but is bounded only on one side by the patch itself. The Yamaguchi et al. reference does not teach an additional sachet or dispensing container that encloses the medicine layer.

Although agreeing that the claim would be patentable over the Yamaguchi et al. reference, the Examiner indicated that she would have to conduct a further search before she could allow the claims as presented.

Therefore, Applicants submit that the claims as amended are distinguishable from the Yamaguchi et al. reference and respectfully request the withdrawal of the 35 U.S.C. § 102(b) rejection.

Rejections under 35 U.S.C. § 103

The Examiner rejected claims 3-7 and 14 under 35 U.S.C. § 103(a) as obvious over the Yamaguchi et al. reference in view of U.S. Patent No. 4,192,299 to Sabatano. Applicants discussed in detail above why claim 1 is patentable over the Yamaguchi et al. reference. Thus, claims 3-7 and 14, which depend from claim 1, are also patentable.

- 9 -

Goldberg et al.
Appl. No.: 09/936,608

Therefore, Applicants respectfully request the withdrawal of this 35 U.S.C. § 103(a) rejection.

Other Matters

Applicants appreciate the Examiner's time and assistance in determining allowable subject matter in the telephone discussion with Applicants' representatives on May 2, 2003. In the event that claim 1 as amended is not acceptable, Applicants request that the Examiner contact the undersigned at the number provided to discuss mutually agreeable claim language.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

- 10 -

Goldberg et al.
Appl. No.: 09/936,608

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Rae Lynn Prengaman
Attorney for Applicants
Registration No. 53,482

Date: 8/18/03

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

145860_2